

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, | : |                       |
|                           | : | Mag. No. 25-11131-AME |
| v.                        | : |                       |
|                           | : | <b><u>ORDER</u></b>   |
| RAS BARAKA,               | : |                       |
|                           | : |                       |
| Defendant.                | : |                       |
|                           | : |                       |

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**THIS MATTER** having been raised by Defendant Ras Baraka (“Defendant”) upon his request for a preliminary hearing during his May 9, 2025 initial appearance in this action; and

**WHEREAS**, during that initial appearance, the Court scheduled a preliminary hearing by oral Order for May 15, 2025, at 10:00 a.m. *See* D.E. 1, 2; and

**WHEREAS** the United States of America (the “Government”), by way of a May 13, 2025 letter brief emailed to the Court and all counsel, now seeks cancellation of that hearing, arguing that it is not required under Federal Rule of Criminal Procedure Rule 5.1; and

**WHEREAS** the clear language of Rule 5.1(a) does not require a preliminary hearing when a defendant is charged with a petty offense; and

**WHEREAS** the offense charged in this action carries a maximum penalty of 30 days’ imprisonment, making it a Class C misdemeanor, *see* 18 U.S.C. § 3559(a), and constituting a “petty offense” under federal law. *See* 18 U.S.C. § 19; and

**WHEREAS**, nevertheless, by way of email correspondence to the Court, copying counsel for the Government, counsel for Defendant has sought a status conference on the same date and at the same time, if the preliminary hearing does not proceed; therefore

**IT IS** on this 13th day of May 2025,

**ORDERED** that the Court's May 9, 2025 oral Order setting a preliminary hearing in this action for May 15, 2025, at 10:00 a.m., is **VACATED**; and it is further

**ORDERED** that the Court will hold a status conference in this action on May 15, 2025, at 10:00 a.m., in Courtroom 2D of the Martin Luther King Courthouse, in Newark, at which all counsel shall appear.

s/ André M. Espinosa

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ANDRÉ M. ESPINOSA  
United States Magistrate Judge